

REMARKS

Claims 1-8 are pending in the application.

Claims 1 over AAPA

In the Office Action, claims 1 was rejected under 35 U.S.C. §102(a) as allegedly being anticipated by Applicant's Admitted Prior Art ("AAPA"). The Applicants respectfully traverse the rejection.

Claim 1 recites an amount of time remaining for subscriber use based on a plurality of replenishments having at least two different rate plans.

AAPA discloses a FIFO control and billing technique that can report an accurate dollar amount remaining to a particular subscriber, but can provide only an estimate as to their remaining time. This is because the FIFO control and billing technique calculates the total available minutes provided by the various scratch cards by dividing the total dollar value of all replenishments (e.g., the current and all subsequently loaded scratch cards) by the replenishment rate plan which is currently active (i.e., which is currently being depleted) in dollars per minute.

AAPA discloses, e.g., if a subscriber replenishes with a \$25 scratch card providing a rate of \$0.35 per minute, then later replenishes with a \$50 dollar scratch card providing a rate of \$0.25 per minute, the conventional FIFO billing and control approach would divide the total balance of $\$25 + \$50 = \$75$ by the current (older) rate plan (e.g., $(\$75) / (\$0.35 \text{ per minute})$).

Thus, AAPA discloses a deficiency within the prior art that inaccurately calculates the remaining time for a subscriber having at least two different rate plans by dividing the total dollar amount by a single rate plan amount, i.e., based on a single rate plan. AAPA fails to disclose or suggest a system for accurately calculating the amount of time remaining for subscriber that takes into consideration a plurality of replenishments, i.e., an amount of time remaining for subscriber use based on a plurality of replenishments having at least two different rate plans, as recited by claim 1.

Accordingly, for at least all the above reasons, claim 1 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 2-8 over AAPA in view of Hudson and Laybourn

In the Office Action, claims 2-8 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over AAPA in view of U.S. Patent No. 6,249,573 to Hudson ("Hudson"), and further in view of U.S. Patent No. 6,480,710 to Laybourn et al. ("Laybourn"). The Applicants respectfully traverse the rejection.

Claims 2-3 are dependent on claim 1, and are allowable for at least the same reasons as claim 1.

Claims 2, 3 and 4 recites an amount of time remaining for subscriber use based on a plurality of replenishments having at least two different rate plans.

As discussed above, AAPA fails to disclose or suggest an amount of time remaining for subscriber use based on a plurality of replenishments having at least two different rate plans, as recited by claims 2, 3 and 4.

Hudson discloses a method and apparatus for determining the remaining talk time available to a caller using a prepaid account (col. 2, lines 35-49). The remaining talk time is determined based the cost per minute when a call is initiated and subsequent periods when the cost per minute is different than when the call is initiated (Hudson, Fig. 5).

Hudson's prepaid system relies on replenishments, however the replenishments do **NOT** have associated rate plans. Hudson simply replenishes a prepaid account with a dollar amount, with deductions at a rate set and determined by system administrator (col. 3, lines 8-13). Thus, Hudson fails to even acknowledge the existence of a prepaid system that associates a replenishment to a rate plan, much less disclose or suggest an amount of time remaining for subscriber use based on a plurality of replenishments having at least two different rate plans, as recited by claims 2, 3 and 4.

The Office Action relies on Laybourn to allegedly make up for the deficiencies in AAPA and Hudson to arrive at the claimed invention. The Applicants respectfully disagree.

Laybourn appears to disclose a system and method of replenishing a prepaid account (Fig. 6; col. 6, lines 12-35). SMS messages are used to change calling tariff tables that control the rate of deduction from a prepaid account (Laybourn, col. 6, lines 48-51). SMS messages are used to check the available credit amount (Laybourn, col. 6, lines 48-51).

Laybourn discloses use of a prepaid account that is deducted according to a rate stored in a tariff table. Although the prepaid account is replenished, Laybourn fails disclose or suggest the existence of a prepaid system that associates a replenishment to a rate plan, much less disclose or suggest determining an amount of time remaining for subscriber use based on a plurality of replenishments having at least two different rate plans, as recited by claims 2, 3 and 4.

Neither AAPA, Hudson nor Laybourn, either alone or in combination, disclose, teach or suggest determining an amount of time remaining for subscriber use based on a plurality of replenishments having at least two different rate plans, as recited by claims 2, 3 and 4.

Claims 5-8 recite revising a total dollar amount of a subscriber account including at least a portion of a dollar value of a first replenishment based on a first rate together with a dollar value of a second replenishment based on a second rate, the first rate being different than the second rate.

As discussed above, AAPA discloses a FIFO control and billing technique that can report an accurate dollar amount remaining to a particular subscriber, but can provide only an estimate as to their remaining time. This is because the FIFO control and billing technique calculates the total available minutes provided by the various scratch cards by dividing the total dollar value of all replenishments (e.g., the current and all subsequently loaded scratch cards) by the replenishment rate plan which is currently active (i.e., which is currently being depleted) in dollars per minute.

AAPA fails to disclose or suggest revising a dollar amount based on a plurality of rates, much less disclose or suggest revising a total dollar amount of a subscriber account including at least a portion of a dollar value of a first replenishment based on a first rate together with a dollar value of a second replenishment based on a second rate, the first rate being different than the second rate, as recited by claims 5-8.

As discussed above, Hudson's prepaid system relies on replenishments, however the replenishments do **NOT** have associated rate plans. Hudson simply replenishes a prepaid account with a dollar amount, with deductions at a rate set and determined by system administrator (col. 3, lines 8-13). Thus, Hudson fails to even acknowledge the existence of a prepaid system that associates a replenishment to a rate plan, much less disclose or suggest revising a total dollar amount of a subscriber account including at least a portion of a dollar value of a first replenishment based on a first rate together with a dollar value of a second replenishment based on a second rate, the first rate being different than the second rate, as recited by claims 5-8.

As discussed above, Laybourn discloses use of a prepaid account that is deducted according to a rate stored in a tariff table. Although the prepaid account is replenished, Laybourn fails disclose or suggest the existence of a prepaid system that associates a replenishment to a rate plan, much less disclose or suggest revising a total dollar amount of a subscriber account including at least a portion of a dollar value of a first replenishment based on a first rate together with a dollar value of a second replenishment based on a second rate, the first rate being different than the second rate, as recited by claims 5-8.

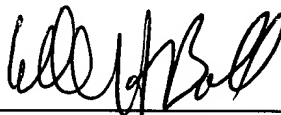
Neither AAPA, Hudson nor Laybourn, either alone or in combination, disclose, teach or suggest revising a total dollar amount of a subscriber account including at least a portion of a dollar value of a first replenishment based on a first rate together with a dollar value of a second replenishment based on a second rate, the first rate being different than the second rate, as recited by claims 5-8.

Accordingly, for at least all the above reasons, claims 2-8 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,
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